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EXTRAORDINARY

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इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 11th June, 1971:—

BILL No. 46 OF 1971

A Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Parliament (Prevention of Disqualification) Amendment Act, 1971. Short title.
- 10 of 1959. 2. In section 3 of the Parliament (Prevention of Disqualification) Act, 1959, after clause (J), the following new clause shall be inserted, Amendment of section
namely:—
- 1 of 1956. “(k) the office of member of the Board of Directors of any Public Sector Company, registered under the Companies Act, 1956, controlled and owned by the Central or State Governments.”
3. All laws in force immediately before the Commencement of this Act, in so far as they are inconsistent with the provisions of this Act, shall, to the extent of such inconsistency, be void. Laws inconsistent with this Act.

STATEMENT OF OBJECTS AND REASONS

The Parliament (Prevention of Disqualification) Act, 1959 listed in Part I of the Schedule, ~~only such~~ Public Sector undertakings and Companies, as were ~~then functioning~~ and for which it was considered desirable to have ~~Members of Parliament~~ on their Boards of Directors. Since then, several Public Sector Companies both in the State and Central Sectors have been formed. The State Governments have nominated Members of Parliament who believed in the necessity, efficacy and efficiency of the Public Sector to the Boards of Directors of such companies in the State Sector. In most cases, such companies have belied the belief that Public Sector undertakings can run only at a loss.

But the Joint Committee of Parliament on Offices of Profit have taken the view in certain cases that membership on the Boards of Directors of Companies in the Public Sector, which are not specifically exempted in Part I of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959, should be considered as "office of profit."

As all representations of this Joint Committee of Parliament in the past have proved infructuous, this Bill has been prepared to allow such representatives of the people of this country as do believe in developing the Public Sector a prelude to ushering in a Socialist Society to function as members of the Boards of Directors of Companies in the Public Sector in order to utilise this wide experience to run these enterprises, at a profit.

Hence this Bill.

NEW DELHI;

N. SREEKANTAN NAR.

The 26th March, 1971.

BILL No. 50 OF 1971

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-second Year of Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1971. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. Amendment.

2. In article 74 of the Constitution, the following *Explanation* shall be inserted at the end, namely:— Amendment of article 74.

“*Explanation.*—In this article, the expression ‘aid and advise’ shall not empower or entitle the Prime Minister to aid and advise the President in matters relating to the appointment of a Judge of the Supreme Court under article 124.”.

STATEMENT OF OBJECTS AND REASONS

Judiciary is considered the custodian and protector of a democracy and the independence of Judges is the *sine qua non* of any judiciary. Our Constitution contains various safeguards to ensure the independence of Judges when they are in office. Article 124 of the Constitution lays down that every Judge of the Supreme Court shall be appointed by the President after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary and in case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted. However, in actual practice, in matters relating to the appointment of a Supreme Court Judge the Prime Minister plays an important role. Provision for consultation or for taking advice of the Prime Minister is not provided in article 124. Of late, we have been hearing the loose talk about a committed judiciary. But, committed to whom? Surely not to the ephemeral Prime Minister or the ruling party but to the principles of jurisprudence and justice, equity and good, conscience. For sustaining the health of democracy in this country, it is necessary that the appointment of Judges of the Supreme Court shall be the prerogative of the President only, so that the possibility of ruling party's attempt to thwart the ends of justice and influence judgments of the Supreme Court by inducting into the Supreme Court more so-called committed Judges is avoided.

Hence this Bill.

NEW DELHI;

KARNI SINGH

The 27th March, 1971.

BILL No. 73 OF 1971

A Bill to provide for relaxation of age for entry into public services in certain circumstances

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:--

1. (1) This Act may be called the Age Relaxation (Services) Act, 1971.

(2) It shall come into force at once.

2. Notwithstanding anything to the contrary contained in any Act, rule or regulation, every person, at the time of his first recruitment to public service in connection with the affairs of the Union or of any Public Undertaking owned or controlled by the Central Government, shall be entitled to relaxation in age prescribed for entry into such service for the period equivalent to the period for which he has been continuously registered with an Employment Exchange after attaining the minimum educational or technical qualifications prescribed for that service or post:

Provided that the period of relaxation in age given under this Act shall not exceed seven years.

STATEMENT OF OBJECTS AND REASONS

Due to growing unemployment in the country, many young men and women are unable to secure any employment for a long period of time after completing their education. This causes a lot of frustration in their minds. Due to rigid age limits prescribed for entry into various kinds of services in connection with the affairs of the Union or a Public Undertaking owned or controlled by the Central Government, such young persons, even though they have been registered with the employment exchanges and continue to make efforts to secure employment for themselves and earn a living, are unable to find employment for a number of years. With the result they soon become age barred from entry into service without any fault of theirs. If the State cannot create conditions in which every able-bodied young person, qualified and willing to work, can be provided with work, at least he should not be debarred from entry into service on the mere ground of age limit and some relaxation should be given to enable him to enter into service if he has been continuously registered with an Employment Exchange after his completing the minimum educational or technical qualification prescribed for a particular post. While it may be true that it may not be possible to give indefinite relaxation in age, such relaxation should be given at least till such person reaches the age of 30 or 35 years. For this reason, it is suggested in the Bill that the age of a person for entry into public service may be relaxed up to the period for which he has been registered with an Employment Exchange, such period of relaxation not exceeding seven years.

In this connection, it may also be stated that the Administrative Reforms Commission in its Report on Personnel Administration has recommended that the upper age limit for the competitive examinations may be raised to 26. This recommendation of ARC is under the consideration of Government. Thus, even the ARC realised the need for relaxation of age for entry into public services.

The Bill seeks to achieve the purpose mentioned above.

NEW DELHI;

B. K. DASCHOWDHURY.

The 1st April, 1971.

BILL NO. 65 OF 1971

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1971.
2. In article 324 of the Constitution,—
 - (i) in clause (1), the following proviso shall be inserted at the end, namely:—

“Provided that no statutory rule is brought into force by the Election Commission which has not received the prior assent of both Houses of Parliament.”;
 - (ii) in clause (2), the following proviso shall be inserted at the end, namely:—

“Provided that no person who has either been a Chief Election Commissioner or an Election Commissioner is given an assignment under the Union or a State subsequent to his retirement from the Election Commission, and shall also be debarred from private employment for a period of three years after his retirement from office.”.

Short
title.

Amend-
ment
of article
324.

STATEMENT OF OBJECTS AND REASONS

Recently, there has been widespread public feeling that the Election Commission has not exercised its powers, in some cases, in accordance with the letter and spirit of the Constitution. It may be partly due to the fact that the Election Commission is under the impression that under article 324, it is possessed of not only administrative but also legislative powers. It could not be the intention of the framers of the Constitution to confer legislative powers on an administrative body which clearly is in overall charge of elections and the electoral machinery. The words "superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, elections" can be misconstrued and should, therefore, be qualified. Accordingly, this Bill seeks to clarify the powers of the Election Commission.

The Bill also seeks to restrict re-employment of the Chief Election Commissioner or an Election Commissioner after holding the said office so that he may not be influenced by any prospect of Government patronage.

SHYAMNANDAN MISHRA,

NEW DELHI;
The 7th May, 1971.

S. L. SHAKDHER,
Secretary.